THE HONOURABLE MRS. JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 24587 of 2007

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed challenging the rejection of stay application filed by the petitioner seeking stay of recovery of the disputed tax of Rs. 3,13,984/- for the assessment year 1999-2000 under the APGST Act by the impugned order of the 3rd in CCT's Ref.No.LIII(4)/347/2007, dated 12.7.2007 as illegal and arbitrary and consequently to restrain the 1st respondent from taking any coercive steps for recovery of the disputed tax, pending disposal of the appeal before the Sales Tax Appellate Tribunal.

It is submitted by the learned counsel for the petitioner that the total liability of demand would be Rs. 3,13,984/-. The learned counsel for the petitioner further submits that a notice dated 4.8.2007 has been issued to the petitioner demanding to pay a sum of Rs. 3,13,984/- and the stay petition filed by the petitioner before the 3rd respondent has been rejected by orders dated 12.7.2007. Challenging the said rejection, the present Writ Petition has been filed. It is further submitted by the learned counsel for the petitioner that since the total amount has been paid, if no stay is granted, the petitioner would be put to irreparable loss.

Heard the learned Government Pleader.

In view of the facts and circumstances of the case, it would suffice if stay is granted subject to payment of 50% of the total amount i.e. Rs. 3,13,984/- demanded in the notice dated 4.8.2007.

Accordingly, the Writ Petition is disposed of. However, stay

is granted subject to payment of 50% of the disputed tax of Rs. 3,13,984/- demanded by the 1st respondent in the notice dated 4.8.2007 and the same shall be deposited before the 1st respondent within a period of four weeks from today. It is made clear that if any amount is already paid by the petitioner towards the disputed tax, the same shall be given to the credit of the 50% of the tax now to be deposited.

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T. MEENA KUMARI, J

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G. ROHINI, J

20.11.2007

N.B.
C.C. by 22.11.2007
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